

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF THE TTAB      JULY 7,99

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re International Data Group, Inc.

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Serial No. 75/151,649

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Mark B. Harrison of Spencer & Frank for International Data  
Group, Inc.

Florentina Blandu, Trademark Examining Attorney, Law Office  
106 (Mary Sparrow, Managing Attorney).

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Before Simms, Hohein and Hairston, Administrative Trademark  
Judges.

Opinion by Hairston, Administrative Trademark Judge:

This is an appeal from the Trademark Examining  
Attorney's final refusal to register the mark INTRANET  
BUSINESS for "books, magazines, magazine supplements,  
catalogues, manuals, brochures, pamphlets, guides, journals

and newsletters in the field of computers, high technology and information technology."<sup>1</sup>

Registration has been finally refused under Section 2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), on the ground that the mark is merely descriptive of the identified goods.

Applicant and the Examining Attorney have filed briefs, but no oral hearing was requested.

The Examining Attorney maintains that INTRANET BUSINESS immediately conveys to consumers the subject matter of applicant's publications. In support of the refusal to register, the Examining Attorney has submitted an entry from Newton's Telecom Dictionary wherein "Intranet" is defined as "[a] private network that uses Internet software and Internet standards. In essence, an Intranet is a private Internet reserved for use by people who have been given the authority and passwords necessary to use that network." Also, the Examining Attorney submitted an entry from Webster's New World Dictionary wherein "business" is defined as, inter alia, "a matter,

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<sup>1</sup> Application Serial No. 75/151,649 filed August 16, 1996, and based on a bona fide intention to use the mark in commerce. The term "INTRANET" has been disclaimed apart from the mark as shown.

affair, activity, etc." In addition, the Examining Attorney submitted several third-party registrations for marks which include the word "business," most of which are for publications. These registrations issued either on the Supplemental Register or on the Principal Register with a disclaimer of, or a claim of acquired distinctiveness as to, the word "business."<sup>2</sup> According to the Examining Attorney, such registrations are evidence of the descriptiveness of the term "business."

Further, the Examining Attorney submitted several excerpts from the NEXIS data base which mention "Intranet business." The following are representative samples of these excerpts:

. . . privately held consulting and systems integration company focused on rapid development and deployment of high-impact Internet/**intranet business** applications that boost clients' competitive positions and improve their productivity.  
(Productivity Software, December 1, 1996);

. . . logical path for Token Ring users to gain high speed access allowing them to deploy modern client server and **Intranet business** applications.  
(LAN Product News, December 1, 1996);

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<sup>2</sup> For example, HOME BUSINESS MAGAZINE is registered on the Supplemental Register for "magazines in the field of home-based income and business opportunities"; ELECTRONIC BUSINESS TODAY [Section 2(f) as to "Electronic Business"] is registered on the Principal Register for "electronics magazine"; and BUSINESS MARKETPLACE ["business is disclaimed"] is registered on the Principal Register for "resource magazine for small business."

The **intranet business** has been so brisk that 15 of the integrator's 35 employees are now dedicated to that segment. The intranet application-development group, which was launched . . .  
(Computer Reseller News, November 18, 1996); and

Digital takes a more formal approach. Three senior executives, the CIO and VPs of communications and the **intranet business** group, sponsor Digital's Internet Program Office, which was established in August 1995.  
(InformationWeek, November 18, 1996).

Applicant, on the other hand, argues that INTRANET BUSINESS is at most suggestive of the wide range of topics covered by applicant's publications. Applicant acknowledges that the term "INTRANET" is descriptive as applied to its goods, but argues that the combined term INTRANET BUSINESS is not merely descriptive of its publications. In particular, applicant argues that "business" is a vague term as applied to its publications. Applicant submitted an entry from the American Heritage Dictionary of the English Language wherein business is defined as, inter alia, "the occupation, work, or trade in which a person is engaged; commercial, industrial, or professional dealings; the buying and selling of commodities or services; any commercial establishment, such as a store or factory; and volume or amount of commercial trade."

A term is merely descriptive, and therefore unregistrable pursuant to Section 2(e)(1) of the Trademark Act, if it forthwith conveys information regarding the nature, function, purpose or use of the goods or services. See *In re Abcor Development Corp.*, 616 F.2d 525, 200 USPQ 215, 217-18 (CCPA 1976). On the other hand, a term which is suggestive is registrable. A suggestive term is one which suggests, rather than describes, such that imagination, thought or perception is required to reach a conclusion on the nature of the goods or services. See *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987).

Applying these principles to the evidence of record, we conclude that INTRANET BUSINESS has not been shown to be merely descriptive of applicant's goods. In particular, it has not been shown that INTRANET BUSINESS immediately describes the subject matter of applicant's publications. It is essentially the Examining Attorney's position that there is a field of business commonly known as "Intranet Business" and that applicant's mark INTRANET BUSINESS "immediately conveys that the subject matter of applicant's publications is any type of business conducted via the Intranet." However, it is not clear from this record that there is such a concept as "Intranet business." From the dictionary definition of record, it appears that an

Intranet, unlike the Internet, is a private network and not necessarily a network on which business is conducted.

Moreover, the NEXIS excerpts of record that mention "Intranet business" seem to use this term to refer to the "business" of setting up Intranet systems, a different connotation from "Intranet Business" per se. In addition, in several of the NEXIS excerpts, "Intranet business" is part of the phrase "Intranet business applications" which appears to refer to Intranet software or applications for use by businesses, which again is different from "Intranet Business" per se. None of these excerpts are particularly probative of whether INTRANET BUSINESS is merely descriptive of publications. In sum, we are not persuaded on this record that there is a field of "Intranet Business" or that any type of "business," as that term is normally understood, is conducted on an Intranet such that applicant's mark INTRANET BUSINESS, when used in connection with its publications, would immediately convey to prospective purchasers the subject matter or content of those publications.<sup>3</sup>

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<sup>3</sup> We note that this application is based on a bona fide intention to use the mark in commerce and, thus, no specimens are of record. If, at the time the statement of use is submitted, information appears in the specimens which indicates that the mark is merely descriptive of applicant's publications, a new refusal on this basis may bear consideration.

In reaching our decision, we have not overlooked the third-party registrations made of record by the Examining Attorney. However, as has often been stated, each case must be decided on its own merits.

Further, we recognize that we must resolve whatever doubt we may have regarding the merely descriptive character of the mark in favor of applicant and the mark should be published for opposition. See *In re Rank Organization Ltd.*, 222 USPQ 324, 326 (TTAB 1984) and cases therein.

**Decision:** The refusal to register is reversed.

R. L. Simms

G. D. Hohein

P. T. Hairston  
Administrative Trademark  
Judges, Trademark Trial and  
Appeal Board

**Ser No.** 75/151,649